

DEFENSIVE DRIVING BOARD

Meeting Agenda - Tuesday, February 19, 2019

Arizona Supreme Court -1501 West Washington Street

Phoenix, Arizona 85007 –10:00 AM– Conference Room 119 A&B

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).

CALL TO ORDER*Walter “Jack” Weberg, Acting Chair*

1) REVIEW AND APPROVAL OF MINUTES*Walter “Jack” Weberg, Acting Chair*

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of January 10, 2019.

2) PENDING COMPLAINTS.....*Division Staff*

2-A: Review, discussion and possible action regarding complaint number 16-D030 involving certificate holder West Phoenix Defensive Driving.

2-B: Review of response from certificate holder DriversEd.com regarding letter of concern issued in complaint number 18-D007.

2-C: Update regarding the status of pending complaints.

3) INITIAL CERTIFICATION AND ELIGIBILITY.....*Division Staff*

3-A: Review, discussion and possible action regarding pending application for initial defensive driving instructor certification for the following applicants:

- 1. Abducwahab Farah*
- 2. Hector Garcia*

4) ADMINISTRATIVE ISSUES*Division Staff*

CALL TO THE PUBLIC*Walter “Jack” Weberg, Acting Chair*

ADJOURN*Walter “Jack” Weberg, Acting Chair*

DEFENSIVE DRIVING BOARD
Agenda Summary – Tuesday, February 19, 2019

1) REVIEW AND APPROVAL OF MINUTES

1-A: Review, discussion and possible action regarding the regular session minutes for the meeting of January 10, 2019

Attached for the Board's review and approval are the regular session minutes of the January 10, 2019 meeting.

DEFENSIVE DRIVING BOARD

Agenda Summary – Tuesday, February 19, 2019

2) PENDING COMPLAINTS

2-A: Review, discussion and possible action regarding complaint number 16-D030 involving certificate holder West Phoenix Defensive Driving.

On June 14, 2018, the Board voted to issue a censure against the certification for West Phoenix Defensive Driving and issued a Notice of Statement of Formal Charges.

ACJA § 7-201(H)(10)(d) requires that Division staff personally serve the notice of formal statement of charges pursuant to Rule 4, Rules of Civil Procedure.

Multiple attempts to serve Principal, Adde Ikar were unsuccessful and process servers reported that the business address appeared permanently closed. West Phoenix Defensive Driving did not renew its certification as of the last renewal deadline of November 1, 2018. There is no alternative means of service provided for in the ACJA.

Division, therefore, recommends this matter be held in abeyance.

DEFENSIVE DRIVING BOARD
Agenda Summary – Tuesday, February 19, 2019

2) PENDING COMPLAINTS

2-B: Review of response from certificate holder DriversEd.com regarding letter of concern issued in complaint number 18-D007.

Following the Board's decision at the January 10, 2019 meeting certificate holder DriversEd.com submitted a response which has been provided in the Board materials.

DEFENSIVE DRIVING BOARD
Agenda Summary – Tuesday, February 19, 2019

2) PENDING COMPLAINTS

2-C: Update regarding the status of pending complaints.

As of February 15, 2019, there are currently 50 open complaints.

DEFENSIVE DRIVING COMPLAINTS
COURTOOLS MEASURE 4
AGE OF PENDING CASELOAD
Shaded Areas Indicate Cases within Time Standard of 22 Months

Age (Months)	Number Cases	Percent	Cumulative Percent
0-4	37	74%	74%
5-9	10	20%	94%
10-14	3	6%	100%
15-19			
20-22			
23-35			
36-50			
Over 50			
Total	50	100%	100%

DEFENSIVE DRIVING BOARD

Agenda Summary – Tuesday, February 19, 2019

3) INITIAL CERTIFICATION AND ELIGIBILITY

3-A: Review, discussion and possible action regarding pending applications for initial defensive driving instructor certification for the following applicants:

1. Abducwahab Farah applied for initial defensive driving instructor certification. He successfully passed the program examination and has submitted a complete application demonstrating that he meets the minimum education and experience requirements.

The Division recommends approval of initial defensive driving instructor certification for Abducwahab Farah.

2. Hector Garcia applied for initial defensive driving instructor certification. He successfully passed the program examination and has submitted a complete application. Mr. Garcia disclosed a 2009 felony conviction for possession of marijuana, a 2013 misdemeanor conviction for D.W.A.I. (driving while ability impaired on marijuana), and a 2017 misdemeanor conviction for possession of marijuana.

Mr. Garcia also disclosed a 2014 revocation of his Colorado Commercial Driver's License (CDL) and a 2017 suspension of his Texas CDL.

Pursuant to the Arizona Code of Judicial Administration ("ACJA") § 7-205(E)(4)(a)(1):

a. The board shall deny certification of an applicant for certification as an instructor if the applicant has received:

(1) A suspension or revocation of the applicant's driver license in any jurisdiction, within the 60 months preceding the date the applicant files for certification;

Therefore, based on the fact that Mr. Garcia had his CDL revoked and suspended within 60 months preceding his submission of application for certification, Division staff recommends Hector Garcia be denied initial defensive driving instructor certification pursuant to ACJA § 7-205(E)(4)(a)(1).